

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

***EX PARTE* MOTION TO SHORTEN NOTICE AND FOR EXPEDITED
HEARING ON THE MOTION OF THE DETROIT PUBLIC SAFETY
UNIONS, PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY
CODE, FOR ENTRY OF AN ORDER EXTENDING THE CHAPTER 9
STAY TO ANY ACTION OR CLAIM FOR DAMAGES BROUGHT
AGAINST ANY FORMER DETROIT PUBLIC SAFETY UNION
MEMBER, INCLUDING ANY RETIREE, WHICH ARISES OUT
OF THE GOOD FAITH PERFORMANCE OF HIS OR HER
DUTIES WHILE EMPLOYED BY THE CITY**

The Detroit Fire Fighters Association (the “DFFA”), the Detroit Police Officers Association (the “DPOA”), the Detroit Police Lieutenants & Sergeants Association (the “DPLSA”) and the Detroit Police Command Officers Association (the “DPCOA”) (collectively, the “Detroit Public Safety Unions”), through their counsel, Erman, Teicher, Miller, Zucker & Freedman, P.C., request that the Court expedite the hearing on the *Motion of the Detroit Public Safety Unions, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to any Action or Claim for Damages Brought Against any Former*

Detroit Public Safety Union Member, Including any Retiree, Which Arises out of the Good Faith Performance of His or Her Duties While Employed by the City (the “Stay Extension Motion”) [Docket No. 1081] pursuant to BR 9006(c)(1), 9007 and LBR 9006-1(b). In support of this motion to expedite, the Public Safety Unions state as follows:

1. The Detroit Public Safety Unions filed the Stay Extension Motion to request entry of an Order extending the Chapter 9 Automatic Stay to actions or claims for damages brought against any former Detroit Public Safety Union member which arise out of the good faith performance of his or her duties while employed by the City.

2. As discussed in the Stay Extension Motion, the relief requested by the Stay Extension Motion is based on the fact that, for most, if not all former Detroit Public Safety Union members, including those currently employed in other capacities, and retirees, the City is their sole source of a defense and/or indemnification for acts allegedly committed by them in the good faith performance of their duties as a City employee. However, the Court’s prior orders regarding application of the Automatic Stay arguably would preclude any current or former employee from seeking a defense or indemnification from the City if he or she was sued.

3. The Stay Extension Motion seeks an order that is expressly without prejudice to the issue of any former or current employee's right to a defense or indemnification in a particular case, and which is without prejudice to any party's right to seek relief from the stay so extended.

4. Recently, Thomas Gerald Moore filed a motion seeking relief from the Automatic Stay to continue a lawsuit filed against two City of Detroit police officers, one of whom is now no longer employed by the City. *See* Docket No. 1035. Although Mr. Moore's motion is not currently set for hearing, the City has advised the Detroit Public Safety Unions that it anticipates objecting to the motion, and the Detroit Public Safety Unions intend to file a concurrence in that objection. Mr. Moore's motion will then presumably be set for hearing on this Court's next omnibus hearing date, October 16, 2013.

5. Based on the relief requested in Mr. Moore's motion to continue a lawsuit against a former City of Detroit police officer, and the fact that there are, or may be, other suits filed against former Detroit Public Safety Union members for which the City is obligated to defend and indemnify, the Detroit Public Safety Unions request that the Court enter an order that shortens the notice period for objections to the Stay Extension Motion and schedules an expedited hearing on the Stay Extension Motion to take place on or before October 16, 2013.

6. This Court is authorized to grant the requested relief pursuant to Bankruptcy Rule 9006(c)(1) and 9007, and Local Bankruptcy Rule 9006-1(b).

WHEREFORE, the Detroit Public Safety Unions respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit 1, granting the requested relief and such further relief as the Court deems appropriate.

Respectfully submitted,

ERMAN, TEICHER, MILLER,
ZUCKER & FREEDMAN, P.C.

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DATED: October 4, 2013

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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

EX PARTE ORDER GRANTING MOTION TO EXPEDITE

This matter is before the Court on the *ex parte* motion (the “Motion”) of the Detroit Public Safety Unions’ for expedited consideration of the *Motion of the Detroit Public Safety Unions, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to any Action or Claim for Damages Brought Against any Former Detroit Public Safety Union Member, Including any Retiree, Which Arises out of the Good Faith Performance of His or Her Duties While Employed by the City* (the “Stay Extension Motion”) [Docket No. 1081]. The Court is fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The Motion is Granted.

2. A hearing on the Stay Extension Motion is scheduled for _____
at 9:00 a.m. (prevailing Eastern Time) before the Hon. Steven Rhodes in
Courtroom 716, Theodore Levin United States Courthouse, 231 W. Lafayette
Blvd., Detroit, Michigan.

3. Any objections to the Stay Extension Motion must be filed on or
before _____.

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

CERTIFICATE OF SERVICE

The undersigned certifies that on October 4, 2013, the *Ex Parte Motion to Shorten Notice and for Expedited Hearing on the Motion of the Detroit Public Safety Unions, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to any Action or Claim for Damages Brought Against any Former Detroit Public Safety Union Member, Including any Retiree, Which Arises out of the Good Faith Performance of His or Her Duties While Employed by the City* was electronically filed with the Clerk of the Court for the United States Bankruptcy Court, Eastern District of Michigan, Southern Division using the CM/ECF System, which will send notification of such filing to all attorneys and parties of record registered electronically.

ERMAN, TEICHER, MILLER,
ZUCKER & FREEDMAN, P.C.

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DATED: October 4, 2013